

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

IN THE MATTER OF THE
ARBITRATION BETWEEN THE
OHIO COUNTY DEVELOPMENT
AUTHORITY and
CONTINENTAL BUILDING SYSTEMS,

Miscellaneous Action No. 5:07MC13
(STAMP)

OHIO COUNTY DEVELOPMENT AUTHORITY,

Petitioner,

METROPOLITAN PARTNERS, LLC

Respondent,

CONTINENTAL BUILDING SYSTEMS,

Interested Party.

ORDER DIRECTING THE PETITIONER TO FILE A STATUS REPORT

On September 17, 2007, this Court held a hearing on the petition filed by Ohio Valley Development Authority ("OCDA") to compel respondent, Metropolitan Partners, LLC ("Metropolitan"), to comply with arbitration subpoenas issued in a proceeding to which Metropolitan is not a party. At that hearing, the parties agreed to work together to determine whether OCDA had already obtained from Continental Building Systems ("CBS"), the other party to the arbitration proceedings and an interested party in this action, all of the documents that OCDA was requesting from Metropolitan in the arbitration subpoenas. On September 24, 2007, this Court received notice that counsel for Metropolitan agreed to accept service via electronic mail, on behalf of the respondent, of a newly issued arbitration subpoena. This Court finds that it would be beneficial to receive a status report on the remaining issues in this action.

Therefore, the petitioner is DIRECTED to file a status report apprising this Court of the status of this case on or before October 5, 2007. If this matter is fully resolved before that date, the parties are DIRECTED to file a motion promptly with this Court for dismissal of this action with prejudice.

IT IS SO ORDERED.

The Clerk is directed to transmit a copy of this order to counsel of record herein, and to Continental Building Systems c/o Continental Real Estate Companies and/or Thomas R. Davis, 150 East Broad Street, Columbus, Ohio 43215.

DATED: September 26, 2007

/s/ Frederick P. Stamp, Jr.
FREDERICK P. STAMP, JR.
UNITED STATES DISTRICT JUDGE